

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE

Case

13-CB-176351

Date Filed

5/16/16

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name

National Production Workers Union

b. Union Representative to contact

(b) (6), (b) (7)(C)

c. Address (Street, city, state, and ZIP code)

1420 Kensington Rd, Suite 335
Oak Brook, IL 60523

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

d. e-Mail

(b) (6), (b) (7)(C)

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the last six months, the above-named labor organization restrained and coerced employees in the exercise of Section 7 rights by accepting recognition as the Section 9(a) representative for a unit of employees employed by Mac One Midway LLC at Midway Airport when the labor organization had not been authorized by a majority of employees to serve as their representative. See *ILGWU v. NLRB* (Bernard Altman), 366 U.S. 731 (1961).

3. Name of Employer

Mac One Midway LLC

4a. Tel. No.

(773) 948-6300

b. Cell No.

c. Fax No.

d. e-Mail

T.J. Rand@
sbcglobal.net

5. Location of plant involved (street, city, state and ZIP code)

Midway Airport
5700 S. Cicero Ave.
Chicago, IL 60638

6. Employer representative to contact

Timothy Rand

7. Type of establishment (factory, mine, wholesaler, etc.)

Restaurant

8. Identify principal product or service

Food

9. Number of workers employed

250

10. Full name of party filing charge

UNITE HERE Local 1

11a. Tel. No.

(312) 663-4373

b. (b) (6), (b) (7)(C)

c. Fax No.

d. e-Mail

(b) (6), (b) (7)(C)

11. Address of party filing charge (street, city, state and ZIP code.)

218 S. Wabash, Suite 700, Chicago IL 60604

12. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By

(signature)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(charge)

(any)

Tel. No. (312) 663-4373

Cell No.

(b) (6), (b) (7)(C)

Fax No.

e-Mail

(b) (6), (b) (7)(C)

Address 218 S. Wabash, Ste 700, Chicago IL 60604 (date) 5-16-16

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-1443

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341



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May 17, 2016

(b)(6), (b)(7)(C)

National Production Workers Union Local 707
1420 Kensington Road, Suite 335
Oak Brook, IL 60523-2147

Re: National Production Workers Union
(Mac One Midway LLC)
Case 13-CB-176351

Dear (b)(6), (b)(7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney J. Edward Castillo whose telephone number is (312)353-7586 and e-mail address is edward.castillo@nlrb.gov. If this Board agent is not available, you may contact Deputy Regional Attorney Jessica T. Muth whose telephone number is (312)353-7643.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by May 31, 2016. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

May 17, 2016

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be "P. Sung", written over a horizontal line.

Peter Sung Ohr
Regional Director

JEC/dg
Enclosure:
Copy of Charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-1443

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Telephone: (312)353-7570
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May 17, 2016

(b) (6), (b) (7)(C)

UNITE HERE Local 1
218 South Wabash, 7th Floor
Chicago, IL 60604-2449

Re: National Production Workers Union
(Mac One Midway LLC)
Case 13-CB-176351

Dear (b)(6), (b)(7)(C)

The charge that you filed in this case on May 16, 2016 has been docketed as case number 13-CB-176351. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney J. Edward Castillo whose telephone number is (312)353-7586 and e-mail address is edward.castillo@nlrb.gov. If this Board agent is not available, you may contact Deputy Regional Attorney Jessica T. Muth whose telephone number is (312)353-7643.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

May 17, 2016

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'P. Sung Ohr', written over a horizontal line.

Peter Sung Ohr
Regional Director

JEC/dg
Enclosure:
Copy of Charge



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May 17, 2016

Timothy Rand, President & CEO
MAC One Midway LLC
5700 South Cicero
Chicago, IL 60638

Re: National Production Workers Union
(Mac One Midway LLC)
Case 13-CB-176351

Dear Mr. Rand:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

May 17, 2016

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'P. Sung Ohr', written over a horizontal line.

Peter Sung Ohr
Regional Director

JEC/dg

Enclosures

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT
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Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-1443

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Fax: (312)886-1341

June 30, 2016

Patrick J. Calihan, Esq.
Law Offices of Patrick J Calihan
53 West Jackson Blvd, Suite 1534
Chicago, IL 60604-3779

Re: National Production Workers Union (Mac
One Midway LLC)
Case 13-CB-176351

Dear Mr. Calihan:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Peter Sung Ohr

Peter Sung Ohr
Regional Director

cc: (b) (6), (b) (7)(C)
National Production Workers Union
Local 707
1420 Kensington Road, Suite 335
Oak Brook, IL 60523-2147

(b) (6), (b) (7)(C)
UNITE HERE Local 1
218 South Wabash, 7th Floor
Chicago, IL 60604-2449

Timothy Rand, President & CEO
Midway Airport Concessionaires; MAC
One Midway LLC
5700 South Cicero
Chicago, IL 60638

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EC/lit